

Senate File 2088

H-8048

1 Amend the amendment, H-8045, to Senate File 2088,  
2 as amended, passed, and reprinted by the Senate, as  
3 follows:

4 1. Page 17, after line 18 by inserting:

5 <\_\_\_\_. Page 161, after line 7 by inserting:

6 <Sec. \_\_\_\_\_. Section 234.1, subsection 2, paragraph  
7 a, subparagraph (3), Code Supplement 2009, is amended  
8 to read as follows:

9 (3) Has been identified by the director of special  
10 education of the ~~area education agency~~ designated  
11 community college as a child requiring special  
12 education as defined in section 256B.2, subsection  
13 1. For purposes of this subparagraph, "designated  
14 community college" means the community college  
15 designated to provide special education services  
16 pursuant to section 256.9, subsection 60, paragraph  
17 "b".

18 \_\_\_\_\_ Sec. \_\_\_\_\_. Section 235.7, subsection 2, Code 2009,  
19 is amended to read as follows:

20 2. *Membership.* The department may authorize the  
21 governance boards of decategorization of child welfare  
22 and juvenile justice funding projects established  
23 under section 232.188 to appoint the transition  
24 committee membership and may utilize the boundaries  
25 of decategorization projects to establish the service  
26 areas for transition committees. The committee  
27 membership may include but is not limited to department  
28 of human services staff involved with foster care,  
29 child welfare, and adult services, juvenile court  
30 services staff, staff involved with county general  
31 relief under chapter 251 or 252, or of the central  
32 point of coordination process implemented under  
33 section 331.440, school district and ~~area education~~  
34 agency community college staff involved with special  
35 education, and a child's court appointed special  
36 advocate, guardian ad litem, service providers, and  
37 other persons knowledgeable about the child.>

38 \_\_\_\_\_. Page 161, line 9, by striking <subsection> and  
39 inserting <subsections>

40 \_\_\_\_\_. Page 161, after line 12 by inserting:

41 <NEW SUBSECTION. 60. a. Develop and maintain a  
42 list of eligible special education services providers  
43 throughout the state, which shall include all of the  
44 area education agencies. The list may be divided by  
45 areas of specialization. A school district may solicit  
46 bids for special education services pursuant to section  
47 273.9A from providers included on the list.

48 b. Designate a community college to assume the  
49 responsibilities of the area education agencies  
50 relating to special education services required

1 pursuant to chapters 256B and 273.

2 Sec. \_\_\_\_\_. Section 256.12, subsection 2, unnumbered  
3 paragraph 1, Code 2009, is amended to read as follows:

4 This section does not deprive the respective boards  
5 of public school districts of any of their legal  
6 powers, statutory or otherwise, and in accepting  
7 the specially enrolled students, each of the boards  
8 shall prescribe the terms of the special enrollment,  
9 including but not limited to scheduling of courses and  
10 the length of class periods. In addition, the board  
11 of the affected public school district shall be given  
12 notice by the department of its decision to permit the  
13 special enrollment not later than six months prior to  
14 the opening of the affected public school district's  
15 school year, except that the board of the public  
16 school district may waive the notice requirement.  
17 School districts and area education agency boards the  
18 designated community college board shall make public  
19 school services, which shall include special education  
20 programs and services and may include health services,  
21 services for remedial education programs, guidance  
22 services, and school testing services, available to  
23 children attending nonpublic schools in the same manner  
24 and to the same extent that they are provided to public  
25 school students. Service activities shall be similar  
26 to those undertaken for public school students. Health  
27 services, special education support, and related  
28 services provided by area education agencies for the  
29 purpose of identifying children with disabilities,  
30 assistance with physical and communications needs of  
31 students with physical disabilities, and services of an  
32 educational interpreter may be provided on nonpublic  
33 school premises with the permission of the lawful  
34 custodian of the property. Other special education  
35 services may be provided on nonpublic school premises  
36 at the discretion of the school district or area  
37 education agency provider of the service and with the  
38 permission of the lawful custodian of the property.  
39 For purposes of this subsection, "designated community  
40 college" means the community college designated to  
41 provide special education services pursuant to section  
42 256.9, subsection 60, paragraph "b".

43 Sec. \_\_\_\_\_. Section 256B.2, subsection 2, Code  
44 Supplement 2009, is amended to read as follows:

45 2. It is the policy of this state to require  
46 school districts and state-operated educational  
47 programs to provide or make provision, as an integral  
48 part of public education, for a free and appropriate  
49 public education sufficient to meet the needs of all  
50 children requiring special education. This chapter

1 is not to be construed as encouraging separate  
2 facilities or segregated programs designed to meet  
3 the needs of children requiring special education  
4 when the children can benefit from all or part of  
5 the education program as offered by the local school  
6 district. To the maximum extent possible, children  
7 requiring special education shall attend regular  
8 classes and shall be educated with children who do  
9 not require special education. Whenever possible,  
10 hindrances to learning and to the normal functioning  
11 of children requiring special education within the  
12 regular school environment shall be overcome by the  
13 provision of special aids and services rather than  
14 by separate programs for those in need of special  
15 education. Special classes, separate schooling, or  
16 other removal of children requiring special education  
17 from the regular educational environment, shall occur  
18 only when, and to the extent that the nature or  
19 severity of the educational disability is such, that  
20 education in regular classes, even with the use of  
21 supplementary aids and services, cannot be accomplished  
22 satisfactorily. For those children who cannot adapt to  
23 the regular educational or home living conditions, and  
24 who are attending facilities under chapters 263, 269,  
25 and 270, upon the request of the board of directors  
26 of an ~~area education agency~~ the designated community  
27 college, the department of human services shall provide  
28 residential or detention facilities and the ~~area~~  
29 ~~education agency~~ designated community college shall  
30 provide special education programs and services.  
31 ~~The area education agencies~~ designated community  
32 college shall cooperate with the board of regents to  
33 provide the services required by this chapter. For  
34 purposes of this subsection, "designated community  
35 college" means the community college designated to  
36 provide special education services pursuant to section  
37 256.9, subsection 60, paragraph "b".

38 Sec. \_\_\_\_ . Section 257.35, subsection 1, Code  
39 Supplement 2009, is amended to read as follows:

40 1. ~~The~~ For school budget years beginning prior to  
41 July 1, 2010, the department of management shall deduct  
42 the amounts calculated for special education support  
43 services, media services, area education agency teacher  
44 salary supplement district cost, area education agency  
45 professional development supplement district cost, and  
46 educational services for each school district from  
47 the state aid due to the district pursuant to this  
48 chapter and shall pay the amounts to the respective  
49 area education agencies on a monthly basis from  
50 September 15 through June 15 during each school year.

1 The department of management shall notify each school  
2 district of the amount of state aid deducted for these  
3 purposes and the balance of state aid shall be paid  
4 to the district. If a district does not qualify for  
5 state aid under this chapter in an amount sufficient to  
6 cover its amount due to the area education agency as  
7 calculated by the department of management, the school  
8 district shall pay the deficiency to the area education  
9 agency from other moneys received by the district, on a  
10 quarterly basis during each school year.

11 Sec. \_\_\_\_\_. **NEW SECTION. 257.35A Area education**  
12 **agencies — state funding redirected.**

13 1. Notwithstanding any provision of this chapter  
14 to the contrary, for school budget years beginning  
15 on or after July 1, 2010, the state aid funding for  
16 special education support services, media services,  
17 and educational services, and the area education  
18 agency professional development supplement and area  
19 education agency teacher salary supplement funding, as  
20 calculated by this chapter, shall be paid directly to  
21 the applicable school district.

22 2. A school district may solicit bids from the  
23 designated community college or a special education  
24 services provider authorized in accordance with section  
25 256.9, subsection 60, to provide special education  
26 services, media services, and educational services,  
27 as those services are described in chapter 273.  
28 However, the school district soliciting bids shall not  
29 receive funding for its costs that exceeds the amount  
30 determined under subsection 1.

31 Sec. \_\_\_\_\_. **NEW SECTION. 260C.7 Designated community**  
32 **college — special education powers and duties.**

33 To the extent authorized by section 273.9A, the  
34 board of the community college designated pursuant to  
35 section 256.9, subsection 60, paragraph "b", shall  
36 have the powers and duties with respect to community  
37 colleges, not otherwise provided in this chapter,  
38 which are prescribed for boards of directors of area  
39 education agencies by chapter 273 relating to the  
40 provision of special education services.>>

41 2. Page 18, after line 35 by inserting:

42 < \_\_\_\_\_. Page 166, after line 3 by inserting:

43 < Sec. \_\_\_\_\_. Section 299A.9, unnumbered paragraph 1,  
44 Code 2009, is amended to read as follows:

45 A child of compulsory attendance age who is  
46 identified as requiring special education under chapter  
47 256B is eligible for placement under competent private  
48 instruction with prior approval of the placement by the  
49 director of special education of the ~~area education~~  
50 ~~agency of the child's district of residence~~ designated

1 community college. For purposes of this section,  
2 "designated community college" means the community  
3 college designated to provide special education  
4 services pursuant to section 256.9, subsection 60,  
5 paragraph "b".

6 Sec. \_\_\_\_\_. Section 598.21B, subsection 2, paragraph  
7 e, subparagraph (1), subparagraph division (d), Code  
8 Supplement 2009, is amended to read as follows:

9 (d) The parent has been identified by the  
10 director of special education of the ~~area education~~  
11 ~~agency~~ designated community college as a child  
12 requiring special education as defined in section  
13 256B.2. For purposes of this subparagraph, "designated  
14 community college" means the community college  
15 designated to provide special education services  
16 pursuant to section 256.9, subsection 60, paragraph  
17 "b".>>

18 3. Page 18, before line 44 by inserting:

19 < \_\_\_\_\_. Page 166, before line 25 by inserting:

20 <Sec. \_\_\_\_\_. AREA EDUCATION AGENCIES — CESSATION  
21 OF SPECIAL EDUCATION SERVICES AND RELATED  
22 RESPONSIBILITIES. Notwithstanding chapters 256B  
23 and 273 or any other provision of law to the contrary,  
24 the area education agencies of this state shall not  
25 be responsible for, and shall not provide, special  
26 education services on or after July 1, 2010. An area  
27 education agency shall not receive state, federal, or  
28 local funding for the provision of special education  
29 services after June 30, 2010, except to pay for special  
30 education services provided by the area education  
31 agency during the fiscal year beginning July 1, 2009.

32 Sec. \_\_\_\_\_. APPLICABILITY. The sections of this  
33 division of this Act amending section 234.1, subsection  
34 2, paragraph "a", subparagraph (3); section 235.7,  
35 subsection 2; section 256.12, subsection 2, unnumbered  
36 paragraph 1; section 256B.2, subsection 2; section  
37 257.35, subsection 1; section 273.9, subsection 1;  
38 section 299A.9, unnumbered paragraph 1, and section  
39 598.21B, subsection 2, paragraph "e", subparagraph (d);  
40 and enacting section 256.9, subsection 60; section  
41 257.35A; section 260C.7, and section 273.9A; and the  
42 section relating to the area education agencies and  
43 cessation of special education services, related  
44 responsibilities, apply to school budget years  
45 beginning on or after July 1, 2010.>>

46 4. By renumbering as necessary.

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